

ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Administration of the)
North American Numbering Plan)

CC Docket No. 92-237
Phases One and Two

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COMMENTS OF AIRTOUCH COMMUNICATIONS

David A. Gross
Washington Counsel

AirTouch Communications
1818 N Street, N.W.
Washington, D. C. 20036
(202) 293-4955

Pamela J. Riley
Director-Public Policy

AirTouch Communications
425 Market Street
San Francisco, CA 94105
(415) 658-2058

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Comments of AirTouch Communications

AirTouch Communications ("AirTouch") is filing these Comments in response to the Commission's Notice of Proposed Rulemaking ("NPRM") released April 4, 1994 in the above-captioned proceeding. AirTouch provides cellular, paging, and vehicle location services in more than 30 markets in the United States, and intends to be an active participant in emerging wireless markets including PCS at 1.8 GHz and mobile satellite services. Number administration, assignment processes, and conservation policies are critical to these businesses, and directly impact competition, operational costs, and the pace of innovation in the introduction of new services.

I. Introduction and Summary

AirTouch strongly supports the creation of a new independent Numbering Policy Board, directly accountable to the FCC, to develop and oversee numbering policy in North America. The critical attributes of the new Board are (1) active FCC participation; (2) balanced representation from all affected industry segments; and (3) direct responsibility for number planning, conservation, allocation and assignment guidelines. The Board should select, manage, and oversee a new Number Plan Administrator to replace the NANPA functions now residing in Bellcore.

AirTouch does not support the Commission's proposal to delay shifting responsibility for interchangeable area codes, because it is contrary to the public interest and will result in inequitable and imbalanced implementation policies.

II. Creation of a New Numbering Policy Board

The rapid growth and increased complexity of number use warrants creation of a centralized, independent entity for the establishment of numbering plans and policies. The most critical and urgent change which the FCC should undertake is the creation of a new Numbering Policy Board¹. The Board should have comprehensive responsibility for development of numbering policies, including long-range planning, number assignment and allocation guidelines, dialing plans, and dispute resolution authority.

To replace the overlapping and inefficient industry forums and entities which currently address numbering issues, the Board should convene a focused Industry Numbering Forum open to all industry groups². The Forum would operate under consensus procedures and be responsible for raising issues, providing cost/benefit and customer/competition analyses and developing recommendations for Board action.

The Commission should create a Board large enough to encompass participation from a broad cross-section of industry segments including but not limited to enhanced services providers, competitive access providers, narrowband CMRS, broadband CMRS, private carriers, long-distance companies, local exchanges companies, and ad hoc representatives of foreign regulators. Board appointments for designated seats should be made by the respective trade associations for those industries. Because the duties of the

¹NPRM at Para. 25.

²See NPRM Paras. 20 and 21, in which LECs and non-LEC commentators provide opposing views as to the openness, effectiveness, and adequacy of the current processes and committees.

Board would be time-consuming, and require industry and network expertise, we recommend that Board membership be a full-time, rotating position. Board salaries should be paid by the company for whom the member worked at the time of the appointment.

A member of the FCC staff should chair the Policy Board in order to preserve neutral management of the Board. The Chair would moderate meetings, oversee meeting procedures, and assure timeliness of decisions. While industry groups have worked hard to achieve consensus in the development of numbering policy, AirTouch believes that active involvement by the FCC is warranted to assure balanced agendas, broad participation, and open decision-making. FCC participation on the Board would not affect the Board's accountability to the full Commission, including expedited review procedures for Board decisions which are appealed.

III. Creation of a New NANP Administrator

One of the Board's earliest actions would be the selection of a new NANP Administrator to carry out the policies of the Board. In addition, the Board would have overall responsibility for the staffing, financing and work of the NANP Administrator.

The development of a Request for Proposal would require the Board to delineate clearly the responsibilities of the Administrator in implementing Board policies and underscore the Administrator's accountability to the Board. A competitive selection process will encourage cost-efficiency. The Administrator's functions would include processing applications, assigning codes, maintaining records, auditing code utilization, publishing use statistics, forecasting needs, and conducting studies as directed by the Board.

The key attribute of the new Administrator should be its complete independence from any user of number resources, so as to ensure its neutrality in performing its ministerial responsibilities. AirTouch believes this is best achieved by contracting with a private firm with no ownership affiliation with any telecommunications entities. The skills required, such as database management, usage monitoring and statistical forecasting, are ones held by firms in a number of disciplines.

All codes currently administered by Bellcore should be promptly transferred to the new Administrator, including area codes, 900 central office numbers, service access codes, vertical service codes, 557 point codes, ANI II digits, and Carrier Identification Codes (CICs). In addition, assignment of central office codes currently under the management of local exchange companies should be transferred to the centralized Administrator, as proposed³. Such a transfer is necessary to prevent discriminatory results in the timeliness of processing requests, interpretation of guidelines, or the charges, if any, that are imposed for code use.

While AirTouch recognizes that the Alliance for Telecommunications Industry Solutions (ATIS) is now open to non-local exchange participation on its Board, ATIS would not be a good choice for NANP Administrator⁴. First, its orientation and perspectives are, and are likely in the future to be, dominated by local exchange carriers, perpetuating the concern of other industry groups that there is little attention to or empathy with their technical and business issues in the allocation of numbering resources. Second, ATIS is involved in a broad range of industry issues beyond numbering. Numbering policy deserves focused resources separate from other network operational issues. Finally, the expertise and experience residing in ATIS' membership would be

³NPRM at Para. 29.

⁴NPRM at Para. 15.

available to the Policy Board, Administrator, and Industry Forum as companies shifted their resources to the newly created structure.

IV. Funding Issues

The Policy Board, with the initial assistance of Bellcore, should create an overall budget to cover the staffing and other requirements of the Number Administrator, Industry Forum and Board, other than Board salaries. Cost-based charges should be levied upon all entities which are assigned telephone codes in an equitable and competitively neutral manner. The numbers themselves, a public resource, should not be subject to a charge. Network modifications should be handled by each carrier as a cost of doing business, as should participation in Industry Forums.

V. Implementation of Interchangeable Area Codes

As the Commission recognizes, the NANPA and committees under the umbrella of ATIS are in the process of completing development of guidelines for the implementation of interchangeable area codes (INPAs)⁵. Without disrupting the January 1, 1995 implementation date for transitioning to INPAs, the Commission should expedite the transfer of all code assignments and administration, including INPAs, to the new NANP Administrator. There are critical open issues in implementing INPAs which have a fundamental impact on the access to and the use of the new codes. To defer transfer of responsibility until at least six months after the change to INPAs, as the Commission proposes, is contrary to the public interest, because it perpetuates unnecessarily an inequitable number assignment process.

⁵NPRM at Para. 17.

For example, the interim guidelines divide the 640 new INPA codes into categories, such as non geographic codes, service-specific codes, and growth codes. Yet there exist today "specific services" (e.g., mobile) which are inherently "non geographic" and a major source of "growth". Assignments of new codes from one category or another can impact market development significantly, by affecting when new codes will be introduced, the length of the transition periods, who may use them, where they may be marketed, and how consumers will become informed about the proposed changes.

Unless and until the Commission acts to transfer policy making authority to a representative industry body, control over area code assignments will continue to be made unilaterally by local exchange companies. Other users of numbers, such as cellular and paging companies, are not included in the planning process regarding the introduction of the new codes.

AirTouch is currently facing a situation in Los Angeles, where we provide both cellular and paging services, which is representative of the overall problem. Pacific Bell and GTE announced a plan to overlay three existing area codes with an interchangeable area code in order to prevent number exhaust. The solution arrived at by the LECs affects only cellular and paging subscribers for the foreseeable future, forcing cellular and paging subscribers to change their numbers and to dial 10 digits to initiate local calls -- all with no offsetting mobile customer benefits.

While purporting to seek input from affected carriers, Pacific Bell and GTE never discussed or negotiated in good faith with AirTouch about its concerns, objections, or recommended alternatives. The overlay plan was publicly announced as a final decision (subject to transition issue discussions) which served the particular interests of local exchange carriers while placing costly, disproportionate burdens on wireless carriers and

their customers. Access by paging and cellular carriers out of the existing NPAs are being provided on a conditional basis today, placing them at an immediate disadvantage.

While AirTouch intends to seek regulatory intervention in the Los Angeles dispute by invoking the Commission's plenary jurisdiction over numbering policies, nevertheless, the resolution of such matters on a case-by-case basis is inefficient. Similar problems are likely to arise in market after market, at an accelerated pace.

By transitioning from a total of 160 area codes to a total of 800, enormous opportunities and challenges are presented to the industry in the allocation of this public resource. All carriers must have fair say in how to introduce number changes in a nondiscriminatory fashion given the competitive advantages that flow from control over numbering.

The underlying problem must be addressed: i.e., the fundamental bias in today's process due to historic control over number administration by "the" telephone company. Area code changes affect all providers of telecommunications services, whether through splits, overlays, or service-specific codes. Planning for such changes must occur through a process which is understandable, fair and with expedited avenues for review and appeal.

LECs should not be in a position to maintain control over how a strategic resource will be parceled out to other participants across a rapidly changing telecommunications arena. It is intolerable in a market as competitive and dynamic as telecommunications that when, how and where a wireless carrier assign numbers to its subscribers is regularly dictated by a competing user of those numbers. AirTouch urges the Commission to address these inequities by shifting management of all area code changes to the new Policy Board and Administrator as soon as possible.

VI. CIC Expansion Issues

AirTouch supports the plan to expand CIC codes to 4 digits in order to assure adequate codes are available to carriers not currently able to obtain them⁶. An extended transition period of up to six years, however, would prolong advantages current CIC code users would have in marketing shorter access codes. On balance, parity among competing carriers warrants a shorter transition period of no more than three years for equipment providers to upgrade PBXs to accommodate the expansion.

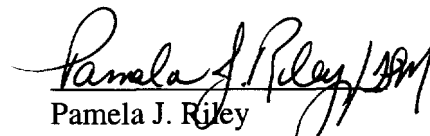
VII. Conclusion

For the foregoing reasons, AirTouch urges the Commission to act promptly in creating a new Policy Board to oversee all number planning and administration in North America. Following establishment of the Board, an Administrator should be selected and all number assignments should be transferred from Bellcore and local exchange companies as soon as possible.

Respectfully submitted,

David A. Gross
Washington Counsel

AirTouch Communications
1818 N Street, N.W.
Washington, D. C. 20036
(202) 293-4955


Pamela J. Riley
Director-Public Policy

AirTouch Communications
425 Market Street
San Francisco, CA 94105
(415) 658-2058

⁶NPRM at Para. 51.